

Allison Stewart

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ALLISON STEWART, )  
Individually and as )  
Representative of the )  
ESTATE OF TROY STEWART, )  
STEPHANIE STEWART, AND )  
NATASHA STEWART )

Plaintiff(s) )

VS. )  
CITY OF CORPUS CHRISTI, )  
TEXAS; MIKE WERTANEN, )  
Individually, and )  
BRANDON CORDELL, )  
Individually )

C.A. NO. 2:12-cv-207

Defendant(s) \_\_\_\_\_

## ORAL AND VIDEOTAPED DEPOSITION OF

ALLISON STEWART

APRIL 10, 2013

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Allison Stewart

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1 and, to your knowledge, he had no other injuries other  
2 than the back injury?

3 A Yes.

4 Q Is that correct? Okay. I also know, from  
5 discovery responses and other things, that your husband  
6 had diabetes?

7 A Yes.

8 Q When was he diagnosed with diabetes, if you  
9 know?

10 A I think 1989.

11 Q And, at that point, he was already out of  
12 the Air Force; is that correct?

13 A Correct.

14 Q Do you know who was his doctor that  
15 diagnosed him with diabetes?

16 A I'm not sure, no.

17 Q Would that have been some doctor in  
18 Kingsville or --

19 A Probably the VA clinic.

20 Q Was that the VA clinic here in Corpus  
21 Christi?

22 A Yes.

23 Q With his diabetes, what was the treatment  
24 when he was first diagnosed?

25 A Just medication.

Allison Stewart

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1 ended?

2 A No.

3 Q Had you been asleep for a pretty good while  
4 before he came into the bedroom, or do you even know when  
5 he came into the bedroom?

6 A No. I do recall when he came into the  
7 bedroom. It wasn't that long after I put my grandson to  
8 sleep; and, so, I assume I went to bed around 1:00 and --

9 Q I can get the time periods better from  
10 Stephanie.

11 A Yeah.

12 Q I just wondered if you knew. So that's what  
13 know about what transpired. Have we covered everything  
14 that you know that transpired from, say, 7:00 o'clock on  
15 that evening?

16 A Yeah.

17 Q Okay. When you last saw Troy, how was he  
18 doing? How was his physical condition?

19 A He was fine.

20 Q During the time period that you were there,  
21 I assume somewhere that he also ate, during the movie,  
22 some cotton candy?

23 A No.

24 Q Were you present during any of that time?

25 A No.

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1 Q Okay. So, you go to bed. You're aware that  
2 he came into bed; is that correct?

3 A Yes.

4 Q Did you talk to him at that time?

5 A Yes.

6 Q What transpired in that conversation?

7 A Not much really. He was going to take his  
8 medication and go to bed.

9 Q What medication?

10 A His diabetes medication and the sinus pill,  
11 because he had a sinus headache.

12 Q Okay. What diabetes medication?

13 A The Metformin.

14 Q Had he taken his blood sugar reading at that  
15 time?

16 A I'm not sure.

17 Q You don't know one way or the other?

18 A No.

19 Q Would he generally take his oral medication  
20 before going to bed?

21 A Uh-huh.

22 Q Whether or not he had taken his blood?

23 A Yes.

24 Q Did he generally take his blood sugar  
25 reading before going to bed?

Allison Stewart

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1 bed?

2 A I was partially awake, and I said, "I don't  
3 know. When you get in bed, turn it off," turn the TV off.

4 Q I assume, at this time, you're, kind of,  
5 half awake and half asleep when you're talking to him?

6 A Yes.

7 Q Okay. And he comes to bed?

8 A Uh-huh.

9 Q What's the next thing you recall?

10 A I recall him jerking.

11 Q You had fallen asleep and you're feeling  
12 jerking in the bed. That wakes you up?

13 A Yes.

14 Q Did it appear to you that he was having a  
15 seizure of some kind or what?

16 A After I turned on the light, I could tell  
17 that he was having a seizure.

18 Q Was he conscious?

19 A No.

20 Q Were his eyes open.

21 A No.

22 Q Did you notice anything else about him while  
23 he's jerking?

24 A A little bit of drooling and just shaking.

25 Q Was he just shaking like that or was he

Allison Stewart

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1 flopping around?

2 A No. He was just shaking.

3 Q Just shaking?

4 A Yes.

5 Q Was he laying on his back or was he laying  
6 on his side?

7 A He was laying on his side.

8 Q Which side?

9 A His right side.

10 Q Was he facing away from you or towards you?

11 A Away from me.

12 Q So, you turned on the light and went around  
13 the other side of the bed to see. Were you talking to him  
14 during this time?

15 A Yes.

16 Q Tell me what all you said from the time you  
17 woke up.

18 A I was just calling his name and he didn't  
19 respond.

20 Q So you go to the other side of the bed and  
21 you see what you think appears to be a seizure?

22 A Yes.

23 Q Is that correct? What did you do next?

24 A I ran into the den and got my daughter,  
25 Stephanie, and told her something was wrong with her dad.

Allison Stewart

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1 Q What is your understanding of what she does  
2 as an ER technician?

3 A She deals with all the emergencies that come  
4 into the ER.

5 Q Okay. So it made a great deal of sense for  
6 you to go get your daughter who has training in what  
7 you're seeing; is that correct?

8 A Yes.

9 Q I take it that you don't have any medical  
10 training?

11 A Well, I have some.

12 Q What do you have?

13 A CPR, stuff like that, working with kids.

14 Q Yes, ma'am. But as far as being in the  
15 medical field, you can perform some procedures, like  
16 Heimlich maneuver or CPR, things like that, but as far as  
17 medical training of what to do if someone is having a  
18 seizure, that's beyond your scope of knowledge?

19 A Well, I knew to lay him on the floor.

20 Q Okay.

21 A Yeah.

22 Q Did you do that or was he still in the bed?

23 A He was still in the bed, and me and  
24 Stephanie put him on the floor.

25 Q Okay.

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1 A I couldn't put him on the floor by myself.

2 Q I understand. I understand. So you run and  
3 get Stephanie. You tell her something is happening with  
4 your dad. I assume she comes running then back into the  
5 bedroom with you?

6 A Yes.

7 Q Where is your husband and what is he doing  
8 when you all come back into the bedroom?

9 A He's still on the bed shaking.

10 Q What happens next?

11 A We lay him flat on the floor.

12 Q On the side of the bed?

13 A Yeah.

14 Q So you all just basically -- You take his  
15 head and she takes his feet or vice versa --

16 A Vice versa.

17 Q -- and you all put him on the floor?

18 A Yeah.

19 Q Is that correct? Okay. And the whole time  
20 that this is happening, he's still unconscious and shaking  
21 or jerking?

22 A He's jerking, yes.

23 Q What happens next?

24 A He's trying to pull himself up.

25 Q Okay. Has he come out of, now, the seizure?

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1 A Yes. He's coming out of the seizure.

2 Q Okay. When does he come out of the seizure?  
3 When he's on the floor or as you all were putting him on  
4 the floor?

5 A No. After he was on the floor.

6 Q How long was he on the floor?

7 A I don't recall how long.

8 Q A short time, long time?

9 A A short time.

10 Q Okay. What conversations took place between  
11 you and Stephanie from the time that you go get her until  
12 you place him on the floor?

13 A Call 911.

14 Q Who said that?

15 A I said call 911. Stephanie automatically  
16 had the phone in her hand.

17 Q And, so, she calls 911. What does she tell  
18 them?

19 A She tells them that her dad is having  
20 trouble breathing and she said he's having a seizure.

21 Q Anything else that you can recall.

22 A Nothing else I can recall, no.

23 Q And then after she makes the 911 call, does  
24 she say anything to you as she comes into the room and  
25 sees him? Does she say anything?

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1 Did he have a different look in his eyes?

2 A Yes. His eyes were bloodshot red.

3 Q He's not comprehending?

4 A Not eye content, no.

5 Q What is Stephanie doing during this time?

6 And if you don't recall, just tell me you don't recall.

7 I've got to ask because you may know. You don't recall  
8 what she's doing. You're focused on him and you're trying  
9 to keep him from falling back and hurting himself?

10 A Correct.

11 Q Is that correct? Are you trying to keep him  
12 from standing?

13 A No. I'm just holding him there.

14 Q But are you holding him down or are you --

15 A No.

16 Q -- just holding him so he doesn't fall?

17 A I'm just holding him, supporting him.

18 Q Okay. What happens next?

19 A EMS come in.

20 Q Did you go to the door or did Stephanie go  
21 to the door?

22 A No. I didn't go to the door. I don't know  
23 who let him in.

24 Q You don't have any memory of that. Okay.

25 You do recall EMS personnel coming in to the bedroom?

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1 A Yes.

2 Q How many?

3 A Maybe three.

4 Q Once again, Ms. Stewart, I'm going to be  
5 asking you questions because I don't know what you don't  
6 know. So, it's not that I expect you or even -- I just  
7 don't know if you do or don't know, so I'm going to ask  
8 you questions. If you don't know, just tell me you don't  
9 know, okay? You say three EMS people come in. What do  
10 they do?

11 A Walk in toward the hallway.

12 Q Do they pick him up?

13 A (Witness nods.)

14 Q Do they say anything before that?

15 A I don't recall them saying anything.

16 Q Are you and Stephanie talking to them,  
17 telling the EMS people?

18 A Stephanie is talking to them.

19 Q Do you recall what she's saying?

20 A She's telling him what happened.

21 Q Okay. Are they asking questions?

22 A Yeah. They are.

23 Q Do you recall any of the questions, Ms.  
24 Stewart?

25 A Had he had anything to drink, was he

Allison Stewart

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1 A No.

2 Q From the time period that you first woke up  
3 with him jerking in the bed, had he made any noises or  
4 said anything to you?

5 A No.

6 Q Was he moaning or doing any of that?

7 A No. He was just drooling. He wasn't making  
8 any noises. I mean, he wasn't talking, communicating.

9 Q But he's no longer shaking at this point or  
10 jerking? The seizure appears to have ended?

11 A After he got off the floor, yeah.

12 Q But he appears to you to be weak and not  
13 able -- He doesn't have his strength about him; is that  
14 correct?

15 A Correct.

16 Q Okay. So, they take him then into the  
17 living room. Do you know why they took him into the  
18 living room?

19 A There wasn't enough space for them to work  
20 on him.

21 Q Okay. So, they take him into the living  
22 room. Where do they take him into the living room?

23 A On the couch.

24 Q What is your husband doing as they're taking  
25 him into the living room?

Allison Stewart

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1 A No.

2 Q Okay. What are the EMS people doing?

3 A Standing around.

4 Q Are they trying to do anything at this  
5 point?

6 A One person tried to put a tourniquet on his  
7 arm.

8 Q Okay. Why do you say tried to?

9 A Once they did that, he just started -- not  
10 swaying, but just, you know, moving. His arms were  
11 moving.

12 Q Was it hard for the paramedics to do -- to  
13 do any work on him when he's doing that?

14 A Yeah.

15 Q Okay.

16 A Yeah.

17 Q How many paramedics are there now?

18 A Too many to recall, too many people in the  
19 house.

20 Q Okay. Had any police officers arrived at  
21 that point?

22 A Yes.

23 Q When did the police officers arrive?

24 A They were there by the time he went and sat  
25 on the couch.

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1 A We were asking him to calm down, but no  
2 response.

3 Q But did it appear to you, Ms. Stewart, that  
4 he was not hearing you all or comprehending --

5 A Correct.

6 Q -- what you were saying?

7 A He was not comprehending, no.

8 Q Okay. So they put the tourniquet on. He  
9 starts moving his arms. What happens next?

10 A They take it off.

11 Q Did they ever get it all the way on?

12 A They tied it, but, after that, they didn't  
13 do anything else with it. They took it off and the two  
14 policemen that were in the doorway just came in and put  
15 him on the floor.

16 Q Okay. How did they put him on the floor?

17 A Facedown.

18 Q Okay. But, I mean, what -- what did they do  
19 to get him on the floor?

20 A They literally picked him up and put him on  
21 the floor, slammed him on the floor.

22 Q They slammed him on the phone. So, it's  
23 your testimony that the officers picked him up and threw  
24 him to the floor. Why did they do that?

25 A I don't know.

Allison Stewart

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1                   MR. GALE: I'm going to object to the  
2 form of the question, asking him to speculate as the mind  
3 set of another.

4                   Q     In your mind, why did they do that.

5                   MR. GALE: The same objection.

6                   A     I don't know.

7                   Q     You don't have any idea?

8                   A     No.

9                   Q     Did you say anything to the police officers  
10 at that time?

11                  A     I can't remember.

12                  Q     Did your daughter say anything to the police  
13 officers at that time?

14                  A     No, sir.

15                  Q     Did your daughter say anything to your  
16 husband at that time?

17                  A     No.

18                  Q     Did you say anything to your husband at that  
19 time?

20                  A     No.

21                  Q     Just prior to the police officers coming and  
22 putting your husband on the floor, were you talking to  
23 your husband?

24                  A     No.

25                  Q     Did the paramedics say anything in between

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1 the time that they had put the tourniquet on and the  
2 police officers put your husband on the floor?

3 A No.

4 Q Were the paramedics able to treat your  
5 husband with the way his arms -- you said his arms were  
6 moving around?

7 A No.

8 Q Would you describe your husband's behaviour  
9 as being combative?

10 A The abbreviation of combative, yeah. Yes.

11 Q Do you feel that there was a need, at that  
12 point, to control your husband's arm movements to be able  
13 to treat him?

14 A Not in the way that it was -- Not in the  
15 way that it was done, no.

16 Q I'm asking not as the way it was done. My  
17 question is: Do you think there was a need to restrain  
18 your husband's arm movements --

19 A No.

20 Q -- so that he could be treated?

21 A No.

22 Q What were the EMS trying to do?

23 A I have no idea. I can't -- I can't say what  
24 they were going to do.

25 Q Okay. Were they -- Did they ever take a

Allison Stewart

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1 blood sugar reading from your husband?

2 A Yes. They did.

3 Q When did that happen?

4 A When they brought him out of the bedroom.

5 Q Is that before or after putting on the  
6 tourniquet?

7 A Before.

8 Q Do you know what the results of that blood  
9 sugar reading was?

10 A High.

11 Q What was your understanding of what "high"  
12 was?

13 A My understanding of high is over 400.

14 Q Did anybody tell you that his blood sugar  
15 was higher than 500?

16 A Yes. They did.

17 Q And did they tell you that their meter only  
18 went to 500 and that it was above that, and I believe the  
19 term they used was "critically high"? Did you ever hear  
20 that term?

21 A No.

22 Q Okay. What is your understanding of what  
23 needs to be done if someone has a blood sugar reading of  
24 above 500?

25 A To give him some insulin.

Allison Stewart

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1 Q Is that what the paramedics were trying to  
2 do when they did the tourniquet?

3 A I didn't see anything, no.

4 Q What was your understanding -- What did you  
5 think at the time that the paramedics were trying to do?

6 A Probably trying to put an I.V., get an I.V.  
7 started.

8 Q An I.V. of what?

9 A I.V. I don't know.

10 Q What was your response when you were told  
11 that he had a blood sugar reading of over 500?

12 A I can't recall.

13 Q Did your daughter say anything? Did  
14 Stephanie say anything when she heard that it was over  
15 500?

16 A I can't recall.

17 Q Would you agree Stephanie, having been an ER  
18 tech, would understand the significance of a blood sugar  
19 reading over 500?

20 A Yes.

21 Q Did you hear anyone from your family say,  
22 "Daddy, calm down, they're trying to help you"?

23 A Stephanie.

24 Q When did she say that?

25 A That was when they did the finger prick.

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1 Q Was he moving when they did the finger  
2 prick?

3 A No. He wasn't moving because they had him  
4 bent over the couch with his hands behind him and they  
5 took the finger prick like that.

6 Q And who did this?

7 A Paramedics, I guess.

8 Q Paramedics? It was not the police officers  
9 at that point?

10 A No.

11 Q Okay. Did you say, "Hey, don't do it that  
12 way," or --

13 A It happened so quick. I didn't have a  
14 chance to say anything.

15 Q Okay. Was that before they sat him down?

16 A Yes. Before they sat him down.

17 Q Okay. What else happened between the time  
18 they got him in your bedroom and took to the couch? Did  
19 anything else happen in between that?

20 A No.

21 Q So, is it your testimony that as they were  
22 walking him in there, and he's incoherent and, basically,  
23 unable to walk himself --

24 A Yes.

25 Q -- he's just limp, they take him and put him

Allison Stewart

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1 facedown over the back of the couch?

2 A Yes.

3 Q And then take his arm and do a finger stick  
4 from that; is that correct?

5 A Yes. They latched his arms behind him and  
6 push him over the end of the couch and take his finger  
7 prick, and that's when they gave him the reading and sat  
8 him on the couch.

9 Q Okay. How did they set him on the couch?  
10 Did they take his arms back up front?

11 A Uh-huh.

12 Q Pick him up and then walk him around and sat  
13 him on the couch?

14 A Yeah.

15 Q Did anyone say, to the paramedics, "Why did  
16 you do it that way?"

17 A No. Everybody was in shock.

18 Q Did Stephanie say anything during that time?

19 A I'm not sure. I'm not sure.

20 Q Did Stephanie tell you again, at any point,  
21 to calm down, that they were trying to help him?

22 A I'm sure -- I'm not sure. I'm not sure.

23 Q You just don't recall?

24 A I don't recall.

25 Q Did you get a feeling, at any time, that

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1       Stephanie was upset about what was happening?

2       A       Yeah.

3       Q       What did she say?

4       A       She didn't say anything.

5       Q       What gave you the impression that she was  
6       upset --

7       A       I could --.

8       Q       -- about what was happening? I understand  
9       that everybody was upset because of the condition and the  
10      stress of what you're seeing happening to your husband.  
11      I'm asking about, was there anything about the way the  
12      treatment was being administered that upset Stephanie?

13      A       I'm not sure. I could tell, on the look of  
14      her face, that she was upset.

15      Q       Could you tell what she was upset about?

16      A       How roughly they were treating him.

17      Q       At what point did you see this look on her  
18      face?

19      A       When they put that tourniquet on his hand,  
20      on his arm.

21      Q       Now, I wasn't there, Ms. Stewart, so I don't  
22      know. How would you suggest that the paramedics treat  
23      your husband and get him insulin?

24      A       I know you don't have to put a tourniquet to  
25      give a person insulin.

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1 Q Okay.

2 A So, they could have given him some insulin  
3 or they could have sedated him a little bit.

4 Q How would they have sedated him?

5 A They could have gave him something to calm  
6 him down if they felt that he was --

7 Q Okay. During these times, were his arms  
8 moving around?

9 A Not after they took the tourniquet off, no.

10 Q I'm going to try to get an understanding  
11 here, Ms. Stewart. From the time that you first see him  
12 jerking in the bed until the police officers place your  
13 husband on the floor, tell me when your husband was moving  
14 his arms around or being combative?

15 A Before they placed him on the floor.

16 Q Okay. How about in the bedroom?

17 A No.

18 Q How about the walking him from the bedroom  
19 to the couch?

20 A No.

21 Q How about when they took his blood sugar  
22 reading?

23 A No.

24 Q How about when he's sitting on the couch?

25 A No.

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1 Q So, what triggered his combativeness is when  
2 they tried to put the tourniquet on his arm?

3 A Correct.

4 Q Did, at any time, from the time that you  
5 first felt your husband jerking in the bed until the  
6 police officers put him on the floor, did you ever think  
7 your husband was cognitive of what was happening?

8 A No, he wasn't.

9 Q Did you feel, at the time that you first saw  
10 your husband jerking in the bed, that this was a critical  
11 situation?

12 A Yes.

13 Q At any time, did you feel that it was not a  
14 critical situation?

15 A No.

16 Q Did you think that there was a need for the  
17 paramedics to treat him?

18 A Yes.

19 Q And that it was imperative that it be done  
20 as quickly as possible?

21 A Yes.

22 Q When your husband was moving his arms around  
23 and being combative, do you feel that they were able to do  
24 the treatment that they needed to do?

25 A Yes. I do.

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1 Q Okay. How?

2 MR. GALE: Objection. He's asking her  
3 for a medical opinion.

4 Q I'm asking you how could they -- I'm not  
5 asking you what treatment they should have done. I'm  
6 asking you how they could have done it if his arms are  
7 flailing around and he's being combative.

8 MR. GALE: Objection, asking for a  
9 medical opinion. If you're not going to explain what  
10 treatment it is you're talking about, then how is she  
11 supposed to explain how they're supposed to accomplish it?

12 Q Could they have done anything with your  
13 husband while his arms were flailing around and he was  
14 being combative?

15 A Yes.

16 Q What?

17 MR. GALE: The same objection.

18 Q Go ahead and answer.

19 MR. GALE: You can answer.

20 A There was plenty of them in there. So, one  
21 could have held him down on one side and another person  
22 could have held him down on the other side.

23 Q Okay.

24 A To administer him some insulin.

25 Q So you think they should have just pinned

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1 him to the couch?

2 A Yes.

3 Q Okay. Did the paramedics ever try to do  
4 that.

5 A No.

6 Q Did the paramedics ever ask the police  
7 officers to help them get him under control?

8 A Yes.

9 Q Okay. And is that when the police officers  
10 came forward?

11 A (Witness nods.)

12 Q Did the police officers talk to your  
13 husband?

14 A Not that I know of, no,

15 Q Did they try to calm him down verbally?

16 A No.

17 Q When you said that they picked him up, how  
18 did they pick him up?

19 A I'm not sure. It happened so fast. I'm not  
20 sure.

21 Q Well, did they stand him up first?

22 A Yes. They had to stand him up to sit him  
23 down on the floor, yeah. So there was two of them.

24 Q So they stood him up rather than just  
25 lowering him to the ground?

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1 A They stood him up, yeah.

2 Q And then how did they get him to the floor  
3 from the standup position?

4 A They stood on top of his back. One was on  
5 his back with his knee, handcuffing him.

6 Q Okay.

7 A When they put him --

8 Q Is that when he's already on the ground?

9 A Yes.

10 Q My question, Ms. Stewart, is: How did they  
11 get him from the standup position to the ground.

12 MR. GALE: Objection, asked and  
13 answered. Go ahead.

14 A They had to lift him up to put him on the  
15 ground.

16 Q Do you remember how they got him to the  
17 ground?

18 A Slammed him down and it was kind of rough.

19 Q How was it rough?

20 A Like you slam somebody on the ground.

21 Q Are you saying that they stood him up and  
22 then just threw him to the ground?

23 A And put him -- Yes. Yes, they did.

24 Q All right. And how many people were in the  
25 room when that happened?

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1 A Too many to count.

2 Q What family members of yours were in the  
3 room when that occurred?

4 A Me, Stephanie, and my mother.

5 Q Did any of you all make any outcry when that  
6 was happening?

7 A Everybody was in shock. It was like --

8 Q Well, you don't know what was in their mind;  
9 is that correct?

10 A I personally couldn't speak at that point.

11 Q Did anybody speak during that time?

12 A Stephanie.

13 Q What did she say?

14 A I don't recall.

15 Q Was she telling your husband to calm down,  
16 "They're trying to help you"?

17 A I'm not sure.

18 Q I'm sorry?

19 A I'm not sure what she said.

20 Q Ms. Stewart, do you need to take a break for  
21 a minute?

22 A No. I'm okay.

23 Q I just want you to be aware that you can. I  
24 understand these are tough questions.

25 A I'll take a break. I'll take a break.

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1 | **VIDEOGRAPHER:** 12:50, off the record.

2 (A BRIEF RECESS WAS TAKEN.)

5 Q (By Mr. DeKoch) All right. Are you ready  
6 to proceed?

7 A Uh-huh.

8 Q Is that a yes?

9 A Yes. Yes.

10 Q Ms. Stewart, I think, when we took the  
11 break, I was asking you if Stephanie had said anything to  
12 your husband about "calm down, they're trying to help you"  
13 during the time that the police officers came in. Do you  
14 recall that or not?

15 A No. I don't recall.

16 Q Do you recall any statements that anybody  
17 said during that time? And I'm talking about from the  
18 time that they bring your husband in to the living room  
19 area, before the finger stick, and from the time that the  
20 police officers placed your husband on the floor?

21 A No.

22 Q So, anything about what anybody said would  
23 just be a guess on your part and no need in asking you; is  
24 that correct?

25 A      Correct. Yes.

Allison Stewart

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1 Q Okay. Your husband is on the floor. What  
2 is he doing when the police officers have him on the  
3 floor?

4 A He's still. He's laying there just still  
5 with his hands cuffed behind his back.

6 Q Prior to his hands being cuffed -- Was he  
7 cuffed before he was placed on the floor?

8 A No.

9 Q Or after?

10 A After he was placed on the floor.

11 Q My question, Ms. Stewart, is: When they  
12 place him on the floor, what is your husband doing?

13 A Nothing. He's still.

14 Q He's not moving his arms anymore?

15 A No.

16 Q Okay. And was Stephanie present when this  
17 was happening?

18 A Yes.

19 Q And your mother was present when this was  
20 happening.

21 A Yes.

22 Q And then you've told us you don't know how  
23 many medics or police officers were there; is that  
24 correct?

25 A No.

Allison Stewart

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1 Q Okay. He's laying there still. Do they  
2 handcuff him? Are his arms at his side?

3 A Yeah. They're at his side, and they  
4 handcuffed him.

5 Q How did they handcuff him?

6 A With the knee in his back and putting both  
7 hands together and they cuffed him while he was on his  
8 stomach.

9 Q Was your husband trying to get up at that  
10 time?

11 A No.

12 Q He's just laying there still?

13 A Yes.

14 Q Is he saying anything?

15 A No.

16 Q And, so, they've handcuffed him. What  
17 happens next?

18 A There's one on his back and there's one on  
19 his lower torso, holding his leg down.

20 Q On his legs? Okay. And then what happens?

21 A Then I'm told to go and move my vehicles.

22 Q Who tells you that?

23 A One of the police officers.

24 Q You're sure it was a police officer?

25 A Well, somebody in blue. They all looked the

Allison Stewart

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1 at this time; is that correct?

2 A Yes.

3 Q Okay. What happens next? You're told to  
4 give your information and you were told to give it to who?

5 A A police officer.

6 Q The same one you've been talking to the  
7 whole time?

8 A I don't -- Well, yes, when I came inside,  
9 but I don't know who followed me outside to get the  
10 information from Troy.

11 Q So that was a different officer than the  
12 people?

13 A I think so.

14 Q And you're sure that was the police officer  
15 and --

16 A Yes.

17 Q -- and not an EMS?

18 A Yeah.

19 Q Okay. What happens next? You give them  
20 your information. What happens next?

21 A I notice his hands are white and he's not  
22 moving. Then I notice he starts throwing up. So, at that  
23 time, they get off of him and they check his pulse.

24 Q Who checks?

25 A The policeman checks his pulse.

Allison Stewart

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1 Q Okay.

2 A And they said -- The EMS said, "You can  
3 take the cuffs off of him now," because the policeman  
4 said, "I don't feel a pulse." So, the EMS said, "Well,  
5 take the cuffs off him."

6 Q Okay. Did the police officer take the cuffs  
7 off before he checked the pulse or after he checked the  
8 pulse?

9 A After.

10 Q And the police officer checked his pulse  
11 when?

12 A When he was throwing up.

13 Q And how long is the time period from the  
14 time that the police officers put your husband on the  
15 floor until you hear the police officer -- one of the  
16 police officers say, "I don't feel a pulse"? How long is  
17 that?

18 A I don't know. I can't recall.

19 Q Was it -- You see them place him on the  
20 floor. You see them handcuff him. You see him not  
21 moving?

22 A Yes.

23 Q Then you're asked to go outside and move  
24 your car.

25 A Yes.

Allison Stewart

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1 Q You move your car. Then the officer gets  
2 information from you?

3 A Yeah.

4 Q Then you come back into the house. You  
5 yell, "He's not moving, take the cuffs off"?

6 A Yes.

7 Q They then get the information from you?

8 A Yeah.

9 Q Then you see him throw up. So all of that  
10 transpired in the time period; is that correct?

11 A Yeah.

12 Q How far did you have to go outside to move  
13 your car?

14 A I can't recall. It wasn't far. Across the  
15 street.

16 Q Was your car in the driveway?

17 A Yes. It was in the driveway.

18 Q Do you remember, during this time, the EMS  
19 people asking you for a different entry into the house  
20 where they could bring the stretcher in.

21 A Yeah, before they told me to move my car.

22 Q Okay. So that happens -- Is that after the  
23 policemen have put your husband on the floor?

24 A Yeah.

25 Q So they tell you they need a place to move

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1 it?

2 A Yeah.

3 Q Then you go outside. You move your car.

4 You park it across the street. I take it that the person  
5 who came out -- the officer came out that got the  
6 information on your husband, was outside. You gave him  
7 that information and then you walked back into the house?

8 A I ran back into the house, yeah.

9 Q You ran back. Okay. And you have no  
10 estimate of the time period that was?

11 A No.

12 Q Do you know if it was more than five  
13 minutes?

14 A I can't recall. I can't recall.

15 Q Was it more than a minute?

16 A Yes. More than a minute.

17 Q Okay. So, they take the handcuffs off.  
18 What happens next?

19 A They turn him over. Stephanie had to tell  
20 them to turn him over because he was throwing up.

21 Q Okay. Who did --

22 A Because he was still on his stomach.

23 Q Who did Stephanie tell to turn him over?

24 A The paramedics.

25 Q Where are the police officers at this time?